

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT NO.129 OF 2024

M/s Gold Coin Builders

...Plaintiff

Versus

Zarna Vinay Shah

...Defendant

Ms Aditi Tamhankar i/b Mandlik & Partners for Plaintiff.

Mr. Akshay Doctor for Defendant No.1 (A).

Mr. Shilpan Gaonkar a/w Ms Bhagwati Trivedi for Defendant Nos.1, 2, 3, 4, 4B & 4C.

CORAM : ARIF S. DOCTOR, J.

DATED : 23rd APRIL 2025

P.C. :

1 When the matter was called today, Learned Counsel appearing on behalf of Defendant nos.1, 2, 3, 4, 4B and 4C sought further time to comply with the previous directions of this court, which require his clients to file a compilation of documents alongwith the affidavits of evidence of the defendants witnesses as also the admission and denial.

2 Learned Counsel appearing on behalf of plaintiff pointed out that the suit had been converted to a commercial suit in the year 2024 but has been filed earlier in the year 2008. She submits that despite ample opportunity, Defendant nos.1, 2, 3, 4, 4B and 4C were not complying with the orders and prolonging the hearing of the suit.

3 The contention that the Defendant Nos.1, 2, 3, 4, 4B and 4C were prolonging / delaying the matter was opposed by the learned counsel who

submitted that there was genuine difficulty which had occasioned the delay. I find that this to be entirely unjustified since the suit as mentioned earlier was of the year 2008 and if, there was such genuine difficulty, the Defendant nos.1, 2, 3, 4, 4B and 4C had been granted several opportunities and not once was it indicated to the court that there was any impediment in complying with the directions. It is only on the date when the matter is called that this grievance is today made before the court.

4 Mr. Doctor, Learned Counsel appearing on behalf of Defendant No.1A also raised a grievance that in the previous orders, Defendant nos.1, 2, 3, 4, 4B and 4C had been representing that they were appearing on behalf of Defendant no.1A when infact they were not. He submits that this must be clarified and the previous order by which directions were issued against the other defendants would not binds Defendant No.1A.

5 Learned Counsel appearing on behalf of other defendants did not dispute that he was not appearing for Defendant No.1A. Mr. Doctor submitted that he would also be taking out an application for deletion of Defendant No.1A since the plaintiff had no cause of action in the present suit against Defendant No.1A.

6 Having due regard to the submissions made today and given the fact that the suit is a commercial suit in which the time line are stringent, I will grant Defendant Nos.1, 2, 3, 4, 4B and 4C one final opportunity to comply with the previous directions subject to payment of cost of Rs.50,000/- to be paid to the plaintiffs within two weeks from today.

7 Stand over to 17th June 2025.

(ARIF S. DOCTOR, J.)